

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Disciplinary proceedings against Sri A.Mogilaiah, formerly SDPO, Siricilla, now retired as Assistant Commandant, 12th Bn., APSP, Nalgonda - Appointment of Enquiry Officer and Presenting Officer – Orders – Issued.

HOME (SERVICES-I) DEPARTMENT

G.O.Rt.No. 1409

Dated: 26/08/2011

Read the following:-

1. From the Director General of Police, A.P. Hyderabad, Letter Rc.No.6/O2/2010, dated 5.7.2010.
2. G.O.Ms.No.209, Home (Ser.I) Department, dated 11.8.2010.
3. G.O.Rt.No.1386, Home (Ser.I) Department, dated 11.8.2010.
4. From Sri A.Mogilaiah, formerly SDPO, Siricilla, now retired as Assistant Commandant, 12th Bn., APSP, Nalgonda, written statement of defence dated 28.1.2011.
5. From the Director General of Police, A.P., Hyderabad, Letter Rc.No.6/O2/2010, dated 12.8.2011.

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ORDER:

The Director General of Police, A.P., Hyderabad, in his letter 1st read above, has requested the Government to initiate disciplinary proceedings against Sri A.Mogilaiah, formerly SDPO, Siricilla, now retired as Assistant Commandant, 12th Bn., APSP, Nalgonda, for his perfunctory investigation in Cr.No.121/06 u/s 324, 506 IPC, Sec.3(1)(x) of SC/STs (POA) Act, 1989 of Ellanthakuta PS, Karimnagar District.

2. In the G.O. 2nd read above, sanction was accorded for initiating disciplinary proceedings against the said Sri A.Mogilaiah, formerly SDPO, Siricilla, now retired as Assistant Commandant, 12th Bn., APSP, Nalgonda, in terms of Rule 9(2)(b)(i) of A.P. Revised Pension Rules, 1980.

3. In the G.O. 3rd read above, article of charge was issued to the said retired charged officer, for the following delinquency:-

“While you are working as SDPO, Siricilla Karimnagar District, you have filed charge sheet on 19.2.2007 in Cr.No.121/06 U/S 324, 506 IPC Sec. 3(I)(X) SCST (POA) Act, 1989 of Ellanthukunta PS, Karimnagar District, vide PRC No.38/2007 in the Hon’ble Court of JFCM, Siricilla, Karimnagar District. The case was taken up by the 5th Addl. Sessions Judge, Karimnagar and PT in SC No.32/07. As per rules framed under SCs/STs (POA) Act, the Deputy Superintendent of Police is Investigating Officer and the trial in the POA Act cases has to be attended by the Deputy Superintendent of Police.

The Government in Memo No.251/SC-B/2007-1, dated 24.10.2007 of Home (SC-B) Department, entrusted the above case to CID for re-investigation. On which, the Addl. Director General of Police, C.I.D., Hyderabad in Memo No.1709/C17/CID/2007, dated 5.11.2007 requested the Superintendent of Police, Karimnagar to instruct the concerned Deputy Superintendent of Police to handover the CD file and other relevant records to Sri G.Penchal Naidu, Deputy Superintendent of Police, RCIU, CID, Karimnagar, duly obtaining the permission from the concerned Court u/s 173 (8) Cr.P.C. for further investigation by CID.

Sri G.Penchal Naidu, Deputy Superintendent of Police, CID was appointed as Investigating Officer in Cr.No.121/06 in proceedings No.1709/17/CID/2007, dated 5.11.2007. He contacted you and requested for handing over CD file and also to file requisition in the Court u/s 173 (8) Cr.P.C. As per the endorsement of Superintendent of Police, Karimnagar dated 30.1.2008 on the reminder memo of Addl.DGP, CID, Hyderabad dated 23.1.2008, you prepared a requisition on 29.2.2008 i.e. after a gap of almost one month and willfully filed it in JFCM Court, Siricilla, requesting permission u/s 173 (8) Cr.P.C. through APP, Karimnagar, even though you are aware that the JFCM Siricilla already taken up the case to 5th Addl. Sessions Judge and the trial is pending before Hon’ble 5th Addl. Sessions Judge, Karimnagar. On 12.3.2008, the JFCM, Siricilla endorsed on the requisition stating that “since matter pending before Hon’ble 5th Addl.Sessions Judge, Karimnagar, the IO is directed to file the

requisition before proper Court for orders". Only on 19.3.2008, you prepared requisition for filing in the Court of 5th Addl. Sessions Judge, through Addl.PP Grade-I, Special Session Judge Court for SCs/STs (POA) Act, Karimnagar.

You did not ensure that the requisition given to Addl. PP be filed in the 5th Addl. Sessions Judge, Karimnagar through Addl. PP Grade-I immediately. As the requisition was not filed, the Hon'ble 5th Addl. Sessions Judge, Karimnagar pronounced judgement on 4.7.2008 acquitting the accused.

Thus due to your dereliction of duty and intentionally avoiding to file requisition in appropriate Court i.e. 5th Addl. Sessions Judge, Karimnagar soon after receipt of memo from the Superintendent of Police, Karimnagar, till your transfer from the post o SDPO, Siricilla on 18.5.2008, orders u/s 173 (8) Cr.PC could not be obtained and the CID could not take up the investigation.

Thus, you violated the rule-3 of APCS (Conduct) Rules, 1964. Hence, the charge."

4. In the reference 4th read above, the charged officer has submitted his written statement of defence denying the charges framed against him.
5. Since the charged officer has not admitted the charges framed against him, Government have decided to conduct Oral Enquiry against the said Charged Officer by appointing Enquiry Officer and Presenting Officer.
6. Now, therefore, Government in exercise of the powers conferred under sub-rule 2 read with sub-rule 5(b) of Rule 20 of APCS (CC&A) Rules, 1991, hereby appoint Sri Mohd. Ahsan Reza, IPS, Inspector General of Police, Home Guards, Hyderabad as Inquiring Authority and Sri S.Srinivasa Rao, Advocate as the Presenting Officer to present the case before the Inquiring Authority.
7. The Presenting Officer appointed in para-6 above shall acquaint himself with the facts of the case by procuring the records relating to the case and present the case before the Inquiring Authority effectively on behalf of the Government. The Presenting Officer shall also obtain and furnish records to the Inquiring Authority, if necessary which are required during the course of enquiry.
8. The Inquiring Authority shall conduct enquiry strictly in terms of the procedure prescribed under Rule 20 of APCS (CC&A) Rules, 1991 and shall submit his report to the Government in terms of sub-rule 18 of the said rules, as expeditiously as possible and however it shall not be more than two months from the date of issue of these orders.
9. The connected records in original are herewith enclosed and furnished to the Inquiring Authority in this case.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

P.GAUTAM KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri Mohd. Ahsan Reza, IPS,
Inspector General of Police, Home Guards
through the Director General of Police, A.P., Hyderabad (w.e)
Sri S.Srinivasa Rao, Advocate
H.No.11-2-24, Saradamba Enclave,
Bapunagar, Street No.4,
Saroornagar, Hyderabad (w.e)
The Charged Officer concerned
through Director General of Police, A.P., Hyderabad
The Director General of Police, A.P. Hyderabad
SF/SC

// Forwarded :: by order //

SECTION OFFICER